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September 19, 2014

Magistrate Judge Jacqueline Scott Corley
Courtroom F, 15th Floor
U.S. District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Lindy Dawn Guenther v. Air & Liquid Systems Corporation, et al.
United States District Court, Northern District of California
Civil Action No. 12-cv-00723
Our Client: Lennox Industries Inc.

Dear Judge Corley:

Defendant Lennox Industries Inc. (hereinafter referred to as "Lennox") respectfully requests that its company representative be allowed to participate in the October 3, 2014 settlement conference by telephone.

The company representative, Vincent Errante, lives and works in New York. A personal appearance would require cross-country travel from New York to San Francisco. Mr. Errante has a very heavy business schedule and the trip would require a commitment of approximately three business days, two of which would be devoted to travel. Additionally, Mr. Errante has an immovable appointment on October 2 in New York, making it impossible for him to travel to San Francisco for the currently-set settlement conference the morning of October 3. Given these scheduling difficulties, we are requesting that Mr. Errante be excused from attending the settlement conference in person. Mr. Errante can and will be available by telephone for the settlement conference. Jennifer Lee, trial counsel for Lennox, will be in attendance with full settlement authority to resolve the case.

Trial counsel for McKenna Long & Aldridge, Jennifer Lee, will be present at the settlement conference with full settlement authority and Mr. Errante will be available to the Court and parties by telephone.

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Pursuant to this Court's Order, McKenna contacted all counsel to gauge whether there was any objection to Mr. Errante attending by telephone (*See Exhibit A* to declaration of Andrea J. Casalett.) None of the defendants objected but counsel for plaintiff has objected on the sole ground that plaintiff will be present at the conference. (*See Exhibit B* to declaration of Andrea J. Casalett.) McKenna also proposed a stipulation to postpone the settlement conference to a later date. Again, although no defendant objected, plaintiff refused to so stipulate. (*See Exhibit C* to declaration of Andrea J. Casalett.)

Good cause exists to excuse Mr. Errante from in-person attendance at the settlement conference. Lennox has done everything in its power to propose compromises in lieu of the scheduling difficulty, which plaintiffs have rejected at each turn. A telephone appearance will not hinder the parties ability to have a meaningful and productive settlement conference. Given Mr. Errante's work schedule, schedule conflict on 10/2 and the inconvenience and cost of losing approximately three works days to travel for a settlement conference that will last for several hours, Lennox asks the Court to grant this application for its representative to be excused from personally appearing for the settlement conference.

Respectfully submitted,

McKENNA LONG & ALDRIDGE

/s/ Andrea J. Casalett

Andrea J. Casalett

Attachment (Declaration of Andrea J. Casalett; Proposed Order)

USW 804679213.1

Dated: September 19, 2014

